

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 577

Introduced by Senator Pavley

February 22, 2013

An act to amend Sections 4850, 4851, 4854, and 4860 of, to add Section 4868.5 to, and to add and repeal Section 4870 of, of the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. Autism and other developmental disabilities: ~~pilot program~~; employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism. Existing law governs the habilitation services provided for adult consumers of regional centers, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services.

This bill would require *the development and semiannual review of a job exploration and discovery plan, as specified, to be developed if job exploration and discovery if community-based prevocational services* are determined to be a necessary step to achieve a supported employment outcome. The bill would establish an hourly rate for ~~job exploration and discovery~~ *community-based prevocational services* of \$40 per hour

for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan.

~~This bill would require the State Department of Developmental Services to establish a pilot program for young adults with autism and other developmental disabilities to help them find pathways to financial independence through work. The bill would require the pilot program to develop and implement a new model for providing employment services to these individuals and to create financial incentives for employment service providers, as specified, among other requirements.~~

~~The bill would also establish, until July 1, 2018, a pilot program operative in specified regional centers, pursuant to which the State Department of Developmental Services would be authorized to allocate moneys for the support of programs provided by the participating regional centers to promote the employment of persons with autism and developmental disabilities. The bill would require the State Department of Developmental Services and the Department of Finance to establish, on or before July 1, 2014, the Employment Growth Fund for these purposes, as specified. The fund would consist of moneys appropriated by the Legislature from cost savings resulting from the reduced amount of support payments made to persons with autism and developmental disabilities who earn wages from gainful employment attained as a result of their participation in the pilot program, as specified. The bill would impose specified duties on the State Department of Developmental Services relating to the pilot program, including preparing an annual report and designing and implementing an evaluation of the pilot program, as specified.~~

The bill would also set forth related legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Individuals with developmental disabilities have to struggle
- 4 to find gainful employment. Unemployment amongst the
- 5 developmentally disabled population is approximately 80 percent.
- 6 (b) Within the developmentally disabled community, autism is
- 7 the fastest growing population, making up approximately 50

1 percent of the annual new caseload of regional centers in some
2 parts of the state.

3 (c) One in three adults with autism do not have paid work
4 experience or a college or technical education seven years after
5 leaving the K-12 school system.

6 (d) In order to increase the self-sufficiency of young adults with
7 autism and other developmental disabilities, including increased
8 earning capacity and reduced government benefit support, it is
9 important that the state implement a program to provide
10 individualized skills assessment, social cue training, and specific
11 support to ensure their academic and employment success.

12 (e) The Governor and the Legislature must address the growing
13 need for new models of assessment, career training, and expanding
14 employment opportunities and support options for young adults
15 with autism and other developmental disabilities between 18 and
16 30 years of age. If this population is left without purposefully
17 designed pathways into employment, these young adults will
18 remain at high risk of public dependency throughout the course
19 of their lives.

20 SEC. 2. Section 4850 of the Welfare and Institutions Code is
21 amended to read:

22 4850. (a) The Legislature reaffirms its intent that habilitation
23 services for adults with developmental disabilities should be
24 planned and provided as a part of a continuum and that habilitation
25 services should be available to enable persons with developmental
26 disabilities to approximate the pattern of everyday living available
27 to nondisabled people of the same age.

28 (b) The Legislature further intends that habilitation services
29 shall be provided to adults with developmental disabilities as
30 specified in this chapter in order to guarantee the rights stated in
31 Section 4502.

32 (c) The Legislature further intends that in order to increase
33 effectiveness and opportunity to gain meaningful employment
34 opportunities, habilitation services shall also provide—~~job~~
35 ~~exploration and discovery~~ *community-based prevocational* services
36 ~~to enhance—and promote jobs—skills, community employment~~
37 ~~readiness, develop social skills necessary for successful community~~
38 ~~employment, and provide targeted outreach to employers build a~~
39 ~~network of community and employment opportunities~~ for
40 individuals with developmental disabilities.

1 SEC. 3. Section 4851 of the Welfare and Institutions Code is
2 amended to read:

3 4851. The definitions contained in this chapter shall govern
4 the construction of this chapter, with respect to habilitation services
5 provided through the regional center, and unless the context
6 requires otherwise, the following terms shall have the following
7 meanings:

8 (a) “Habilitation services” means community-based services
9 purchased or provided for adults with developmental disabilities,
10 including services provided under the Work Activity Program and
11 the Supported Employment Program, to prepare and maintain them
12 at their highest level of vocational functioning, or to prepare them
13 for referral to vocational rehabilitation services.

14 (b) “Individual program plan” means the overall plan developed
15 by a regional center pursuant to Section 4646.

16 (c) “Individual habilitation service plan” means the service plan
17 developed by the habilitation service vendor to meet employment
18 goals in the individual program plan.

19 (d) “Department” means the State Department of Developmental
20 Services.

21 (e) “Work activity program” includes, but is not limited to,
22 sheltered workshops or work activity centers, or community-based
23 work activity programs certified pursuant to subdivision (f) or
24 accredited by CARE, the Rehabilitation Accreditation Commission.

25 (f) “Certification” means certification procedures developed by
26 the Department of Rehabilitation.

27 (g) “Work activity program day” means the period of time
28 during which a Work Activity Program provides services to
29 consumers.

30 (h) “Full day of service” means, for purposes of billing, a day
31 in which the consumer attends a minimum of the declared and
32 approved work activity program day, less 30 minutes, excluding
33 the lunch period.

34 (i) “Half day of service” means, for purposes of billing, any day
35 in which the consumer’s attendance does not meet the criteria for
36 billing for a full day of service as defined in subdivision (g), and
37 the consumer attends the work activity program not less than two
38 hours, excluding the lunch period.

39 (j) “Supported employment program” means a program that
40 meets the requirements of subdivisions (n) to (s), inclusive.

1 (k) “Consumer” means any adult who receives services
2 purchased under this chapter.

3 (l) “Accreditation” means a determination of compliance with
4 the set of standards appropriate to the delivery of services by a
5 work activity program or supported employment program,
6 developed by CARF, the Rehabilitation Accreditation Commission,
7 and applied by the commission or the department.

8 (m) “CARF” means CARF the Rehabilitation Accreditation
9 Commission.

10 (n) “Supported employment” means paid work that is integrated
11 in the community for individuals with developmental disabilities.

12 (o) “Integrated work” means the engagement of an employee
13 with a disability in work in a setting typically found in the
14 community in which individuals interact with individuals without
15 disabilities other than those who are providing services to those
16 individuals, to the same extent that individuals without disabilities
17 in comparable positions interact with other persons.

18 (p) “Supported employment placement” means the employment
19 of an individual with a developmental disability by an employer
20 in the community, directly or through contract with a supported
21 employment program. This includes provision of ongoing support
22 services necessary for the individual to retain employment.

23 (q) “Allowable supported employment services” means the
24 services approved in the individual program plan and specified in
25 the individual habilitation service plan for the purpose of achieving
26 supported employment as an outcome, and may include any of the
27 following:

28 (1) Job development, to the extent authorized by the regional
29 center.

30 (2) Program staff time for conducting job analysis of supported
31 employment opportunities for a specific consumer.

32 (3) Program staff time for the direct supervision or training of
33 a consumer or consumers while they engage in integrated work
34 unless other arrangements for consumer supervision, including,
35 but not limited to, employer supervision reimbursed by the
36 supported employment program, are approved by the regional
37 center.

38 (4) Community-based training in adaptive functional and social
39 skills necessary to ensure job adjustment and retention.

1 (5) Counseling with a consumer's significant other to ensure
2 support of a consumer in job adjustment.

3 (6) Advocacy or intervention on behalf of a consumer to resolve
4 problems affecting the consumer's work adjustment or retention.

5 (7) Ongoing support services needed to ensure the consumer's
6 retention of the job.

7 (r) "Group services" means job coaching in a group supported
8 employment placement at a job coach-to-consumer ratio of not
9 less than one-to-three nor more than one-to-eight where services
10 to a minimum of three consumers are funded by the regional center
11 or the Department of Rehabilitation. For consumers receiving
12 group services, ongoing support services shall be limited to job
13 coaching and shall be provided at the worksite.

14 (s) "Individualized services" means job coaching and other
15 supported employment services for regional center-funded
16 consumers in a supported employment placement at a job
17 coach-to-consumer ratio of one-to-one, and that decrease over time
18 until stabilization is achieved. Individualized services may be
19 provided on or off the jobsite.

20 (t) ~~"Job exploration and discovery"~~—"Community-based
21 prevocational services" means (1) services provided to enhance
22 community employment readiness, *which may include the use of*
23 *discovery and job exploration opportunities*, (2) social skill
24 development services necessary to obtain and maintain *community*
25 *employment and to secure and support participation in*, (3) *services*
26 *to use internship, apprenticeship, and volunteer opportunities to*
27 *provide community-based prevocational skills development*
28 *opportunities*,—~~(3)~~ (4) services to access and participate in
29 postsecondary education or career technical education, ~~(4)~~ services
30 ~~to develop resume and interview skills, and (5) services to conduct~~
31 ~~targeted employer outreach to secure employment and (5) building~~
32 *a network of community and employment opportunities*.

33 SEC. 4. Section 4854 of the Welfare and Institutions Code is
34 amended to read:

35 4854. (a) In developing the individual habilitation service plan
36 pursuant to Section 4853, the habilitation service provider shall
37 develop specific and measurable objectives to determine whether
38 the consumer demonstrates ability to reach or maintain individual
39 employment goals in all of the following areas:

40 (1) Participation in paid work for a specified period of time.

1 (2) Obtaining or sustaining a specified productivity rate.

2 (3) Obtaining or sustaining a specified attendance level.

3 (4) Demonstration of appropriate behavior for a work setting.

4 (b) If ~~job exploration and discovery~~ *community-based*
5 *prevocational* services are determined to be a necessary step to
6 achieve a supported employment outcome, a ~~job exploration and~~
7 ~~discovery~~ plan shall be ~~developed~~ *developed* and may include,
8 *but is not limited to, all of the following:*

9 (1) *An inventory of potential employment interests.*

10 (2) *Preferences for types of work environments or situations.*

11 (3) *Identification of any training or education needed for the*
12 *consumer's desired job.*

13 (4) *Opportunities to explore jobs or self-employment as a means*
14 *to meet the consumer's desired employment outcome.*

15 (5) *Identification of any personal or family networks the*
16 *consumer may use to achieve his or her desired employment*
17 *outcomes.*

18 (c) *The habilitation service provider and the regional center*
19 *shall review the plan developed pursuant to subdivision (b)*
20 *semiannually to document progress towards objectives, additional*
21 *barriers, and other changes that impact the consumer's desired*
22 *employment outcome.*

23 SEC. 5. Section 4860 of the Welfare and Institutions Code is
24 amended to read:

25 4860. (a) (1) The hourly rate for supported employment
26 services provided to consumers receiving individualized services
27 shall be thirty dollars and eighty-two cents (\$30.82).

28 (2) Job coach hours spent in travel to consumer worksites may
29 be reimbursable for individualized services only when the job
30 coach travels from the vendor's headquarters to the consumer's
31 worksite or from one consumer's worksite to another, and only
32 when the travel is one way.

33 (b) The hourly rate for group services shall be thirty dollars and
34 eighty-two cents (\$30.82), regardless of the number of consumers
35 served in the group. Consumers in a group shall be scheduled to
36 start and end work at the same time, unless an exception that takes
37 into consideration the consumer's compensated work schedule is
38 approved in advance by the regional center. The department, in
39 consultation with stakeholders, shall adopt regulations to define
40 the appropriate grounds for granting these exceptions. When the

1 number of consumers in a supported employment placement group
2 drops to fewer than the minimum required in subdivision (r) of
3 Section 4851, the regional center may terminate funding for the
4 group services in that group, unless, within 90 days, the program
5 provider adds one or more regional centers, or Department of
6 Rehabilitation-funded supported employment consumers to the
7 group.

8 (c) Job coaching hours for group services shall be allocated on
9 a prorated basis between a regional center and the Department of
10 Rehabilitation when regional center and Department of
11 Rehabilitation consumers are served in the same group.

12 (d) When Section 4855 applies, fees shall be authorized for the
13 following:

14 (1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the
15 program provider upon intake of a consumer into a supported
16 employment program. No fee shall be paid if that consumer
17 completed a supported employment intake process with that same
18 supported employment program within the previous 12 months.

19 (2) A seven-hundred-twenty-dollar (\$720) fee shall be paid
20 upon placement of a consumer in an integrated job, except that no
21 fee shall be paid if that consumer is placed with another consumer
22 or consumers assigned to the same job coach during the same hours
23 of employment.

24 (3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after
25 a 90-day retention of a consumer in a job, except that no fee shall
26 be paid if that consumer has been placed with another consumer
27 or consumers, assigned to the same job coach during the same
28 hours of employment.

29 (e) The hourly rate for ~~job exploration and discovery~~
30 *community-based prevocational* services shall be forty dollars
31 (\$40) per hour for a maximum of 75 hours per calendar quarter
32 for all services identified and provided in the ~~job exploration and~~
33 ~~discovery~~ *community-based prevocational* plan as developed
34 pursuant to subdivision (b) of Section 4854.

35 (f) Notwithstanding paragraph (4) of subdivision (a) of Section
36 4648, the regional center shall pay the supported employment
37 program rates established by this section.

38 ~~SEC. 6. Section 4868.5 is added to the Welfare and Institutions~~
39 ~~Code, to read:~~

1 ~~4868.5.—(a) The State Department of Developmental Services~~
2 ~~shall establish a pilot program for young adults with autism and~~
3 ~~other developmental disabilities to help them find pathways to~~
4 ~~financial independence through work. The program shall be~~
5 ~~developed and implemented to assist those individuals to obtain~~
6 ~~integrated employment outcomes that result in sufficient wages~~
7 ~~and benefits in order to decrease, over time, their dependency on~~
8 ~~public financial support.~~

9 ~~(b) The pilot program described in subdivision (a) shall do all~~
10 ~~of the following:~~

11 ~~(1) Develop and implement a new model for providing~~
12 ~~employment services to autistic individuals and individuals with~~
13 ~~other developmental disabilities or modify an existing model for~~
14 ~~providing those services.~~

15 ~~(2) Identify existing support services that may be modified or~~
16 ~~combined with supplemental services to provide skills assessment,~~
17 ~~training, and transition services.~~

18 ~~(3) Utilize available federal and state incentive programs.~~

19 ~~(4) Create financial incentives for employment service providers~~
20 ~~who assist the individuals served by the pilot program to become~~
21 ~~successfully employed in jobs that pay wages that equal or exceed~~
22 ~~the Social Security Administration's substantial gainful activity~~
23 ~~level or result in the individual obtaining employer-based health~~
24 ~~benefits.~~

25 ~~(5) Develop and implement a protocol for collecting and~~
26 ~~evaluating data regarding the outcomes of autistic individuals and~~
27 ~~individuals with other developmental disabilities who participate~~
28 ~~in the pilot program.~~

29 ~~SEC. 7.—Section 4870 is added to the Welfare and Institutions~~
30 ~~Code, to read:~~

31 ~~4870.—(a) There is hereby established a pilot program in the~~
32 ~~following regional centers: Golden Gate Regional Center, East~~
33 ~~Bay Regional Center, Alta California Regional Center,~~
34 ~~Tri-Counties Regional Center, Orange County Regional Center,~~
35 ~~and San Diego Regional Center. If additional regional centers~~
36 ~~express interest in participating in the pilot program pursuant to~~
37 ~~this section, the department may approve up to two additional~~
38 ~~regional centers.~~

39 ~~(b) The pilot program shall include all of the following:~~

~~(1) The State Department of Developmental Services and the Department of Finance shall establish, on or before July 1, 2014, the Employment Growth Fund for purposes of the pilot project. The fund shall consist of moneys appropriated by the Legislature for purposes of this section from cost savings resulting from the reduced amount of support payments made to persons with autism and other developmental disabilities who earn wages from gainful employment attained as a result of their participation in the pilot program, as follows:~~

~~(A) The sum of two hundred dollars (\$200) shall be allocated to the fund from funds payable to the State Department of Health Care Services pursuant to the Medi-Cal program to the extent authorized by federal law for each Medi-Cal eligible consumer of regional center services for each month that he or she is enrolled in an employer-paid health benefit plan.~~

~~(B) The sum of one thousand dollars (\$1,000) shall be allocated to the fund from the Department of Rehabilitation, for each consumer of regional center services who earns a monthly wage that exceeds the substantial gainful activity level, as established by the federal Social Security Administration, for at least nine consecutive months if the Department of Rehabilitation has received cost reimbursement in that amount from the federal government pursuant to the federal Ticket to Work program. This sum shall be allocated on a one-time basis for each consumer who meets that criteria.~~

~~(C) The total amount allocated pursuant to paragraphs (A) and (B) shall be deposited into the fund on a quarterly basis.~~

~~(2) Each participating regional center shall submit the following information to the State Department of Developmental Services:~~

~~(A) Information regarding each consumer who receives Medi-Cal benefits and is subsequently enrolled in an employer-paid health benefit plan.~~

~~(B) Information regarding each consumer who earns a monthly wage that exceeds the substantial gainful activity level, as established by the federal Social Security Administration, for at least nine consecutive months.~~

~~(3) On and after July 1, 2015, the State Department of Developmental Services shall allocate funds from the Employment Growth Fund to supported employment providers who assist~~

1 consumers to attain either of the thresholds described in
2 subparagraph (A) or (B) of paragraph (1):

3 ~~(4) The State Department of Developmental Services shall do~~
4 ~~all of the following:~~

5 ~~(A) Annually determine the average cost of providing adult~~
6 ~~developmental center services to persons with developmental~~
7 ~~disabilities in the regional centers participating in the pilot program~~
8 ~~and compare that average cost to the actual cost of providing~~
9 ~~supported employment services to consumers in the pilot program.~~
10 ~~The department, once it has determined the difference between~~
11 ~~those costs, shall allocate to the Employment Growth Fund 50~~
12 ~~percent of the savings if the average cost of adult developmental~~
13 ~~center services is higher than the actual costs of the supported~~
14 ~~employment services provided to any consumer who meets either~~
15 ~~threshold described in subparagraph (A) or (B) of paragraph (1):~~

16 ~~(B) Prepare an annual report regarding the number of persons~~
17 ~~with developmental disabilities who receive services from the~~
18 ~~participating regional centers as a result of the pilot program and~~
19 ~~estimated total cost savings to the state across departments as a~~
20 ~~result of the program:~~

21 ~~(C) Design and implement an evaluation of the pilot program.~~
22 ~~If the pilot program results in a 10 percent or greater average annual~~
23 ~~increase in the number of individuals who receive habilitative~~
24 ~~services through the pilot program being placed in supported~~
25 ~~employment, the department shall submit a recommendation to~~
26 ~~the Legislature that the program be expanded statewide.~~

27 ~~(e) This section shall become inoperative on July 1, 2018, and,~~
28 ~~as of January 1, 2019, is repealed, unless a later enacted statute,~~
29 ~~that becomes operative on or before January 1, 2019, deletes or~~
30 ~~extends the dates on which it becomes inoperative and is repealed.~~